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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,407	10/25/2001	Andreas Neuner	SZY6126P0020US	7841

32116 7590 05/14/2003

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
500 W. MADISON STREET  
SUITE 3800  
CHICAGO, IL 60661

EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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1942 7590 04/22/2003

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180 NORTH STETSON AVENUE  
CHICAGO, IL 60601

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**Office Action Summary**

Application No.

09/856,407

Applicant(s)

NEUNER, ANDREAS

Examiner

Alfred J Wujciak III

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This is the first Office Action for the serial number 09/856,407, PLANT ARRANGEMENT WITH A HOLDER FOR OBJECTS THEREIN, filed on 10/25/01.

#### ***Drawings***

The drawings are objected to because on figures 15 and 16 show captions covering the drawings, which make it difficult for examiner to review the drawings. The captions should be deleted. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

Claim 8 is objected to because of the following informalities: Claim 8, line 2, "PE" is indefinite because "PE" can represent for a lot of thing. "PE" should be changed to --- Polyethylene---. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

Claims 2 and 3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is indefinite because the applicant is not claiming any of elements that are associated to "bouquet."

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Claim 3 is rejected as depending on rejected claim 2.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-6 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 1,555,475 to Maunz.

Claims 1 and 12, Maunz teaches a floral arrangement (figure 1) including a support (4). The floral arrangement comprises a plurality of bendable supporting rods (1) secured at one end circularly bundled by a common supporting base (2). The supporting rods support at least one item (8). Claim 2, the floral arrangement is a bouquet (figure 3). Claim 5, the item is secured to the supporting rod via a fastener (6) in which the supporting rod is inserted. Claim 6, the supporting rod is insertable in two different directions into the fastener. Claim 13, the supporting rods are firmly bundled by a ferrule (2) slipped over the rods. Claim 14, the supporting rods are crimped together (figure 3). Claim 15, the supporting rods form a bundle of supporting rods in round in cross-section.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maunz in view of US Patent # 5,435,787 to Ratcliffe.

Maunz teaches the item but fails to teach the item is a gift item. Ratcliffe teaches the item (2) is a gift item. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added the Maunz's item with a gift item as taught by Ratcliffe to provide a designer's choice for the use of floral arrangement as a gift.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maunz in view of Ratcliffe and in further view of US Patent # 5,836,017 to Hironaga et al.

Maunz teaches the supporting rods but fail to teach the supporting rods are made of substantially steel wire. Hironaga et al. teaches the support rod (12) made of steel wire (col.2, line 45-47). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Maunz's supporting rods with steel wire as taught by Hironaga et al. to provide a convenience for flexing the supporting rods in any direction.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maunz in view of US Patent # 6,326,551 to Adams.

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Maunz teaches the item and fastener but fails to teach the item is adhered to an adhesive surface area of the fastener and the fastener is made of polyethylene. Adams teaches the adhesive surface area (17) and the fastener (16) is made of polyethylene. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added adhesive surface area to Maunz's fastener and modified fastener material to polyethylene as taught by Adams to provide a stable support for the item to maintain within the fastener and reduce weight for the convenience of removing the fastener from the supporting rod.

Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maunz.

Maunz teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for the elements to provide a convenience for forming the floral arrangement.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 2,273,575 to Hurlbut

US Patent # 3,634,180 to DeCosmo

US Patent # 5,150,874 to Spiegel et al.

US Patent # 3,301,516 to Bruno

US Patent # 6,058,648 to Kingston

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US Patent # 3,970,834 to Smith

US Patent 4,816,301 to Weitz

US Patent # 5,084,308 to Luk

US Patent # 2,624,968 to Polizzi


US Patent # 649,874 to Payne

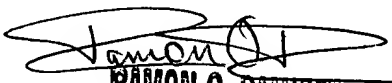
Hurlbut, DeCosmo, Spiegel et al., Bruno, Kingston, Smith, Weitz, Polizzi, Payne and Luk teach the floral arrangement support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred J Wujciak III whose telephone number is 703 306 5994. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Les Braun can be reached on 703 308 2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872-9326 for regular communications and 703 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1113.

  
Joey Wujciak  
April 15, 2003

  
**RAMON O. RAMIREZ**  
**PRIMARY EXAMINER**  
**ART UNIT 355 3632**